



## Legislative Bulletin.....December 11, 2001

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**H.R. 3216 - To amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of an individual who is a member of the uniformed services from the determination of eligibility for free and reduced price meals of a child of the individual (Castle)**

**Order of Business:** The bill is scheduled to be considered under suspension of the rules on Tuesday, December 11, 2001.

**Summary:** The bill amends the federal income eligibility guidelines for free and reduced price school lunches so that for the next 2 years a military serviceman's housing allowances will not count as income. The bill will have the effect of qualifying more children of military families for federal free lunch programs.

**Cost to Taxpayers:** A CBO cost estimate is unavailable.

**Constitutional Authority** A Committee Report is unavailable.

**Does the Bill Create New Federal Programs or Rules:** The bill temporarily modifies the definition of income for the school lunch program to exclude uniformed service members' housing allowances.

**RSC Staff Contact:** Sheila Moloney x6-9719

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**H.R. 2069—Global Access to HIV/AIDS Prevention, Awareness, Education, and Treatment Act of 2001 (Hyde)**

**Order of Business:** The bill is scheduled to be considered under suspension of the rules on Tuesday, December 11, 2001.

**Summary:** The bill has 27 findings related to HIV/AIDS in general and in Africa and 14 senses of Congress findings related to HIV/AIDS in general and in Africa including:

- **the United States should provide additional funds** for multilateral programs and efforts to combat HIV/AIDS and also seek to leverage public and private resources to combat HIV/AIDS on a global basis through the Global Development Alliance Initiative of the United States Agency for International Development and other public and private partnerships with an emphasis on HIV/AIDS awareness, education, prevention, and treatment programs;

**H.R. 2069 authorizes to be appropriated to the President:**

- \$560 million for FY02 HIV/AIDS prevention, treatment, monitoring and related programs (including those run by faith-based organizations) in sub-Saharan African countries and other developing countries;
- \$50 million for FY02 for assistance to sub-Saharan Africa for the purchase and distribution of pharmaceuticals and other HIV/AIDS medicines; and
- \$750 million for FY02 for US contributions to a global health fund to prevent, treat, and monitor AIDS in Africa and other developing countries.

**H.R. 2069 creates:**

- A new USAID annual report to Congress on implementation of the \$560 million a year programs.
- An interagency task force to coordinate federal programs related to the monitoring of HIV/AIDS in foreign countries.
- A permanent 12-Member Global Health Advisory Board to assist the federal gov't in implementing US international health programs, especially HIV/AIDS programs.

**Cost to Taxpayers: H.R. 2069 authorizes a total of \$1.36 billion for FY02.**

**Constitutional Authority** The IR Committee (In Report no. 107-137) finds authority under Article I, Section 8, Clause 18 of the Constitution (relating to making all laws necessary and proper for carrying into execution powers vested by the Constitution in the government of the United States).

**Does the Bill Create New Federal Programs or Rules:** YES, the bill creates new funding streams for international HIV/AIDS programs and for pharmaceutical purchase and distribution in sub-Saharan Africa. It also funds a yet-to-be solidified new global health fund. H.R. 2069 creates a new USAID annual report to Congress on the implementation of the \$560 million-a-year programs, a new interagency task force to coordinate federal programs related to the monitoring of HIV/AIDS in foreign countries, and a permanent 12-Member Global Health Advisory Board to assist the federal gov't in implementing US international health programs, especially HIV/AIDS programs.

**RSC Concerns:** Some Members may be concerned about the makeup of the 12-member Global Health Advisory Board. H.R. 2069 mandates a certain make-up of the Board, including that “two members shall be individuals from private foundations that make substantial contributions to global health programs” but merely says that “no more than two” can be from faith-based organizations. In theory this means that **Ted Turner’s U.N. Foundation and the Gates Foundation** (two private foundations giving substantially to global health programs) **practically are guaranteed a seat and in future Administrations**

**faith-based groups could get no seat**, since zero fits H.R. 2069's definition as "no more than two." Also some Members are concerned that **there is not one mention of the word "abstinence" in the entire HIV/AIDS prevention bill**, despite this Administrations commitment to abstinence as the best preventative for sexually transmitted HIV.

**RSC Staff Contact:** Sheila Moloney x6-9719

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### **S.Con.Res. 58—Expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum (Senator Akaka)**

**Order of Business:** S.Con.Res. 58 passed the Senate by unanimous consent on September 6, 2001. The resolution is now scheduled to be considered by the House on Tuesday, December 11<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** The resolution would resolve that Congress:

- expresses support for the tenth annual meeting of the Asia Pacific Parliamentary Forum and for the ideals and concerns of this body;
- commends the East-West Center for hosting the meeting of the Asia Pacific Parliamentary Forum and the representatives of the 27 member countries; and
- calls upon all parties to support the endeavors of the Asia Pacific Parliamentary Forum and to work toward achieving the goals of the meeting.

The Asia Pacific Parliamentary Forum, founded in 1993 by former Japanese Prime Minister Nakasone, is the legislative arm of APEC (Asia-Pacific Economic Cooperation) and serves to foster discussion among nations in the Pacific region. The next annual meeting of the Forum is scheduled to take place in early January 2002 at the East-West Center in Honolulu, Hawaii.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

**Staff Contact:** Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.R. 2716—Homeless Veterans Assistance Act (Smith, Chris, with Senate amendment)**

**Order of Business:** H.R. 2716 passed the House by voice vote on October 16, 2001. On December 6<sup>th</sup>, the Senate passed H.R. 2716 by unanimous consent with an amendment. The amended bill is now scheduled to be considered on Tuesday, December 11<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary (major Senate changes in RED CAPS or struck-through):** H.R. 2716 would change how the Department of Veterans Affairs (VA) provides assistance to homeless and other veterans and would consolidate several existing provisions of law dealing with homeless veterans into one chapter of Title 38 of the U.S. Code.

**Comprehensive Homeless Services Centers.** Requires the VA to establish comprehensive homeless services centers in the nation's twenty largest metropolitan areas (though according to CBO, the VA already operates such centers in six of the largest metropolitan areas currently).

**Homeless Veterans Reintegration Program.** Increases the authorization of appropriations to be used by the Department of Labor to integrate homeless veterans into the labor force from \$20 million to \$50 million a year for FY2002 and FY2003—and creates a new authorization of \$50 million a year for FY2004, FY2005, and FY2006. Although this program was authorized by Public Law 106-117, according to CBO the Congress has not yet appropriated any money for it.

**Grant and Per Diem Programs.** Authorizes an aggregate of \$285 million for fiscal years 2002-2005 for the VA to provide grants and per diem payments to nonprofit organizations that cover not more than ~~50~~ **65** percent of the daily costs of providing shelter to homeless veterans. Under current law, VA grants for the homeless may not subsidize the daily operating costs of homeless vet shelters.

Authorizes ~~\$10~~ **5** million for each of fiscal years 2003, 2004, and 2005 for a grant program to develop care for homeless veterans who are women, ~~substance abusers~~, terminally ill, **FRAIL ELDERLY**, or parents with minor dependents.

**Section 8 Vouchers.** Requires the Department of Housing and Urban Development (HUD) to set aside vouchers out of Section 8 voucher funds to provide housing assistance to homeless veterans beginning in 2003. 500 vouchers would be set aside in FY2003, increasing to 2,000 vouchers by FY2006. The VA would then administer these vouchers for rental assistance to homeless veterans suffering from chronic mental illness (including those with substance abuse disorders).

**Prison and Hospital Pilot Program** Establishes a pilot program to provide referral and counseling services to help prevent homelessness among veterans after they are released from prison or a hospital where they received long-term mental health treatment. The four-year

pilot program would be implemented in at least six prisons or hospitals. \$5 million for each of fiscal years 2003 and 2004 would be authorized.

**Mental Health**. Requires the VA to offer mental health services at *all* VA facilities that furnish health care. According to CBO, about 120 VA primary care clinics do not provide any mental health services. Adding such services in these 120 clinics would cost roughly \$150,000 per clinic.

**Domiciliary Care**. Authorizes \$5 million a year for FY2003 and FY2004 for the VA to establish up to ten new programs for the purpose of providing domiciliary care to homeless veterans.

**Dental Care**. Allows certain homeless veterans to receive dental care that is necessary to gain employment, alleviate pain, or to treat certain cases of gingivitis and periodontitis. Presently, the VA can provide dental care only for service-connected disabilities or when dental care is medically necessary in order to receive other authorized medical care.

**Grants for Grant Applications**. Authorizes \$750,000 a year in fiscal years 2002 through 2005 for technical assistance grants to not-for-profit groups with experience in providing assistance to homeless veterans. These grants would help the groups in applying for grants to address problems of homeless veterans.

**Non-VA Facilities**. Extends for five years the VA's authorization to provide outreach services to homeless veterans and medical care in non-VA facilities, including community-based treatment facilities and halfway houses. The current authorization is set to expire on December 31, 2001.

**Opioid Substitution Therapy**. Requires the VA to implement this drug-addict treatment program at *all* of its 172 hospitals.

**Cost to Taxpayers**: No CBO cost estimate is available for H.R. 2716 with the Senate amendment. For the House-passed version, CBO estimated that the bill would authorize an additional **\$129 million** in FY2002 and **\$1.046 billion** in the FY2002-FY2006 period, subject to annual appropriation. Most of these additional authorizations above the baseline in current law would be for veterans' medical care, with the remaining changes occurring to the Labor Department's Homeless Veterans Reintegration Program and programs through HUD.

**Does the Bill Create New Federal Programs or Rules?**: Yes, the bill would mandate the creation of new homeless service centers, expand the use of grant programs, establish a prison and hospital pilot program, authorizes the creation of a multitude of mental health and domiciliary care programs, requires the provision of certain therapies at VA facilities, and extends and increases the funding authorizations for various aspects of programs for homeless veterans.

**Constitutional Authority:** The Veterans' Affairs Committee (in House Report 107-241) cites constitutional authority in Article I, Section 8, Clause 1 (power to provide for the common defense and general welfare).

**Staff Contact:** Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.R. 2540—Veterans Benefits Act (Smith, Chris, with Senate amendment)**

**Order of Business:** H.R. 2540 passed the House on July 31, 2001, by a vote of 422-0 (RC #301). On November 15<sup>th</sup>, the Senate passed H.R. 2540 with an amendment by unanimous consent. The amended bill is now scheduled to be considered on Tuesday, December 11<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary (deleted House provisions struck-through):** Though the House-passed H.R. 2540 would affect many veterans programs, including compensation, insurance, medical care, and housing; the new H.R. 2540 would only adjust veterans compensation rates. Cost-of-living adjustments would be effective December 1, 2001 for disability compensation, compensation for dependents, the clothing allowance for certain disabled veterans, and dependency and indemnity compensation for surviving spouses and children.

### **Compensation Provisions:**

- ~~Diabetes Mellitus (Type 2), though an illness not clearly defined, would be added to the list of diseases presumed to be service connected (in Vietnam veterans exposed to herbicides).~~
- ~~Added to the list (effective April 1, 2002) of not clearly defined illnesses that would be presumed to be service related would be fibromyalgia, chronic fatigue syndrome, chronic multisymptom illness, and any other illness that cannot be clearly defined (in accordance with a list of possible symptoms provided in the bill). This provision is aimed at applying compensation provisions to the mysterious "Gulf War Syndrome."~~
- ~~The Secretary of Veterans Affairs would be authorized to protect from termination a Gulf War veteran who participates in a VA sponsored medical research project.~~

### **Administration of the U.S. Court of Appeals for Veterans Claims:**

- ~~The U.S. Court of Appeals for Veterans Claims would be authorized to impose registration fees on persons participating in Court sponsored activities, including judicial conferences.~~
- ~~The Court would be allowed to use such fees for disciplinary matters, for defraying the expenses of judicial conferences, and for other activities of the Court.~~

### **Other Benefits Provisions:**

- ~~The payment of insurance proceeds under the National Service Life Insurance program to another beneficiary designated by the insured would be authorized if the first beneficiary otherwise entitled to payment does not make a claim within three years after the death of the insured. If within five years after the death of the insured,~~

~~no claim has been filed by a named beneficiary, payment of the insurance proceeds would be authorized to a person determined by the Secretary of Veterans Affairs to be entitled to such proceeds.~~

- ~~• The authorization for the VA's copayment requirement for outpatient prescription medications would be extended from September 30, 2002 to September 30, 2006. The VA currently collects a \$2 copayment for each outpatient prescription it fills; it is planning to increase the copayment to \$7 per prescription.~~
- ~~• **The availability of funds for the Department of Veterans Affairs Health Services Improvement Fund, currently mandatory, would become subject to appropriations effective October 1, 2002.**~~
- ~~• The VA's direct home loan program for Native American veterans would be extended from December 31, 2001 to December 31, 2005. The bill would eliminate the requirement for VA to have a separate memorandum of understanding (MOU) with tribal authorities if another federal agency has an MOU which substantially complies with VA's requirement.~~
- ~~• The requirement for veterans to furnish the VA with a copy of a notice of appeal filed with the U.S. Court of Appeals for Veterans Claims would be eliminated.~~
- ~~• The Secretary of Veterans Affairs would be required to establish a two-year nationwide pilot program to expand the available hours of VA's 1-800 toll-free information service, to assess the extent to which a demand for such service exists, and to report to Congress on its findings.~~
- ~~• Certain recurring provisions in the annual Department of Veterans Affairs Appropriations Acts would be codified by H.R. 2540 effective for fiscal year 2003, including how funds may be used for the following accounts: Compensation and Pensions, Medical Care, Medical Administration and Miscellaneous Operating Expenses, General Operating Expenses, Construction Major Projects, and Construction Minor Projects.~~

**Cost to Taxpayers**: No new CBO cost estimate is yet available for the Senate amendment to H.R. 2540.

**Does the Bill Create New Federal Programs or Rules?**: No.

**Constitutional Authority**: The Committee on Veterans Affairs in Committee Report 107-156 cites constitutional authority in Article I, Section 8, Clause 1 (specifically, Congress' power to "provide for the common Defence and general Welfare of the United States")

**Staff Contact**: Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.R. 1291—21st Century Montgomery GI Bill Enhancement Act (Smith, Chris) (House Amendment to Senate Amendment)**

**Order of Business:** The bill is scheduled to be considered under suspension of the rules on Tuesday, December 11, 2001.

**Summary:** On June 21, 2001 the House took up H.R. 1291, which at the time dealt only with increasing the monthly rate of GI education benefits. The Senate passed a modified version on December 8. The House is amending what the Senate passed and sending the bill back to the Senate for consideration. According to the Veterans Committee, **the bill reported to the House today, which as of RSC press time has not been completely drafted,** will be much broader than the version taken up in June. The bill evidently will include entitlements, Agent Orange and Gulf War provisions, and grave marker provisions, among others.

**Cost to Taxpayers:** CBO estimated that the bill that passed the House in June would cost \$230 million in mandatory spending in FY2002, \$3.28 billion in mandatory spending in FY2002 through FY2006, and \$9.08 billion in mandatory spending in FY2002 through FY2011. **There is no CBO estimate on the revised H.R. 1291 scheduled to be considered today, because the text is not yet available.**

**Does the Bill Create New Federal Programs or Rules?:** This information is not available, because the bill scheduled to be considered has not been completely drafted as of 10:15AM Tues.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

**RSC Staff Contact:** Sheila Moloney x6-9719

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## **S.J.Res. 26—Providing for the appointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution. (Sen. Cochran/Sam Johnson)**

**Order of Business:** The bill is scheduled to be considered under suspension of the rules on Tuesday, December 11, 2001.

**Summary:** The bill appoints Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution. The opening occurred with the expiration of the term of Dr. Homer Neal of Michigan on December 7, 2001. The appointment is for a term of 6 years and shall take effect on December 8, 2001. There are nine citizen regents in addition to a number of Members of Congress. Stonesifer is Co-Chair and President of the Bill & Melinda Gates Foundation and on the board of Amazon.com and Viacom Inc. Before the Foundation post, she was a senior v.p. at Microsoft and ran her own management consulting firm, working with such corporations as DreamWorks SKG. (Source: [http://www.hoovers.com/uk/officers/bio/9/1%2C3353%2C59159\\_5915914%2C00.html](http://www.hoovers.com/uk/officers/bio/9/1%2C3353%2C59159_5915914%2C00.html))

**Cost to Taxpayers:** None.

**Constitutional Authority** A committee report citing Constitutional Authority is unavailable.

**Does the Bill Create New Federal Programs or Rules:** No.

**RSC Staff Contact:** Sheila Moloney x6-9719

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**H.Res.309—Honoring the United States Capitol Police for their  
commitment to security at the Capitol (Shimkus)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, December 11<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** The resolution would state that the House of Representatives honors and thanks the United States Capitol Police for their outstanding work and dedication during a period of heightened security that began on September 11, 2001.

**Cost to Taxpayers :** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

**Staff Contact:** Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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**H.R. 3370—To amend the Coast Guard Authorization Act of 1996 to  
modify the reversionary interest of the United States in a parcel of property  
conveyed to the Traverse City Area School District in Traverse City,  
Michigan (Stupak/Camp)**

**Order of Business:** The bill is scheduled to be considered under suspension of the rules on Tuesday, December 11, 2001.

**Summary:** In 1996, as part of the larger Coast Guard reauthorization act (Public Law 104-324), the Coast Guard transferred a portion of its unused property to Michigan's Traverse City school district for recreational purposes. Currently, the land is used for soccer and recreational fields. Under the 1996 law, if the school ceased its use of the land it would revert back to the federal government. The YMCA has proposed building additional facilities on the land including classrooms, tennis courts, and swimming pools (which would be used in Coast

Guard rescue training). According to one of the bill's sponsors, the parties involved are amenable to the agreement but a technical change in the law was needed so that it did not revert to federal lands. H.R. 3370 will change the Coast Guard's transfer of land from the 'Traverse City Area Public School District' to 'a public or private nonprofit entity for an educational or recreational purpose'.

**Cost to Taxpayers:** A CBO estimate is unavailable, but because the land has not been the federal government's since 1996 and the bill simply transfers ownership, it should not be scored as affecting the budget.

**Constitutional Authority:** A committee report citing Constitutional Authority is unavailable.

**Does the Bill Create New Federal Programs or Rules:** The bill amends current law to ensure that property can change hands without reverting back to the federal government.

**RSC Staff Contact:** Sheila Moloney x6-9719

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## **H.R. 2595—To direct the Secretary of the Army to convey a parcel of land to Chatham County, Georgia (Kingston)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 11<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2595 would direct the Secretary of the Army to convey, by "quitclaim deed" and without consideration, to the Commissioners of Chatham County, Georgia, the twelve-acre parcel of land located on Hutchinson Island, Georgia, adjacent to the Savannah Harbor Tide Gate structure, for public, recreational use.

Chatham County would have to pay all costs associated with the conveyance (including land surveys and environmental assessments) and would have to give the Army all required rights of entry or easements necessary for utilities and for access to the Savannah Harbor Tide Gate structure and the dock located adjacent to the structure.

**Cost to Taxpayers:** The bill would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No. It would require the conveyance of federal property.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

**Staff Contact:** Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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**H.Con.Res. 259— Expressing the sense of Congress regarding the relief efforts undertaken by charitable organizations and the people of the United States in the aftermath of the terrorist attacks against the United States that occurred on September 11, 2001 (Bilirakis)**

**Order of Business:** The resolution is scheduled to be considered under suspension of the rules on Tuesday, December 11, 2001.

**Summary:** The resolution has five findings including:

- Whereas the people of the United States have been extremely generous in contributing to charitable organizations that provide relief to the victims of the terrorist attacks and their families; and
- Whereas more than \$1,000,000,000 has been collected for charitable work related to the terrorist attacks: Now, therefore, be it

And states that the House is resolved “That Congress—(1) **praises the people of the United States for their patriotism and generosity in donating their money, time, and blood to support the victims of the terrorist attacks against the United States that occurred on September 11, 2001, and their families;**(2) **commends charitable organizations for their hard work in providing needed assistance to the individuals and families who have been affected by the terrorist attacks;** (3) **urges charitable organizations to use the money collected from the people of the United States for the purposes for which the money was donated, and to limit the extent to which such money is used for administrative costs;** and (4) **condemns individuals and groups that fraudulently use contributions for objectives unrelated to the purpose for which the contributions were made.”**

**Cost to Taxpayers:** None.

**Constitutional Authority:** A committee report citing Constitutional Authority is unavailable.

**Does the Bill Create New Federal Programs or Rules:** No.

**RSC Staff Contact:** Sheila Moloney x6-9719

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**H.Con.Res. 281—Honoring the ultimate sacrifice made by Johnny Micheal Spann, the first American killed in combat during the war against terrorism in Afghanistan, and pledging continued support for members of the Armed Forces (Aderholt)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, December 11<sup>th</sup>, under to a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 281 would resolve that Congress:

- “honors Johnny Micheal Spann, a paramilitary officer in the Central Intelligence Agency, who was the first American killed in combat during the war against terrorism in Afghanistan, and recognizes him for his bravery and sacrifice;”
- “extends its deepest sympathies to the family of this brave hero;” and
- “pledges its continued support for the men and women who risk their lives every day to ensure the safety of all United States citizens.”

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

**Staff Contact:** Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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**H.R. 38—Homestead National Monument of America Additions Act  
(Bereuter)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 11<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 38 would authorize the Secretary of the Interior to acquire (by donation or purchase with appropriated or donated funds) about 19 acres of private property for the Homestead National Monument of America in Gage County, Nebraska. The Secretary could also acquire (by donation *only*) about 14 acres of state-owned property for said Monument.

The bill would authorize appropriations of \$400,000 for the first part of the acquisition.

The Secretary would also be authorized to enter into “cooperative agreements with the State of Nebraska, Gage County, local units of government, private groups, and individuals for operation, maintenance, interpretation, recreation, and other purposes related to the proposed Homestead Heritage Highway to be located in the general vicinity of the Monument.”

**Cost to Taxpayers**: CBO estimates that implementing H.R. 38 would have no significant impact on the federal budget. The \$400,000 needed to purchase the private land was already appropriated for fiscal year 2001, and CBO estimates that annual costs to manage the purchased and donated lands would not be significant. The bill would not affect mandatory spending.

**Does the Bill Create New Federal Programs or Rules?**: The bill would authorize the expansion (via purchase and donation) of a National Monument.

**Constitutional Authority**: The Resources Committee (in House Report 107-325) cites constitutional authority in Article I, Section 8 (but fail to cite a specific clause); and Article IV, Section 3 (power to make all necessary rules regarding federal lands and property).

**Staff Contact**: Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.R. 2440—Wolf Trap National Park for the Performing Arts Designation Act (Davis, Tom)**

**Order of Business**: The bill is scheduled to be considered under suspension of the rules on Tuesday, December 11, 2001.

**Summary**: The bill amends a 1989 federal law to rename the ‘Wolf Trap Farm Park’ in Northern Virginia to the ‘Wolf Trap National Park for the Performing Arts.’ The bill requires all federal entities to refer to the Park by its new name and mandates that “any directional or official sign or notice pertaining to the park shall refer to the park” by its new name (this would apparently include highway signs). H.R. 2440 also adds a section exempting Wolf Trap from laws, rules, or regulations applicable solely to national parks.

**Cost to Taxpayers**: A CBO cost estimate is unavailable.

**Constitutional Authority**: A committee report citing Constitutional Authority is unavailable.

**Does the Bill Create New Federal Programs or Rules**: The bill renames Wolf Trap in Northern Virginia.

**RSC Staff Contact**: Sheila Moloney x6-9719

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## **H.R. 1989—Fisheries Conservation Act (Gilcrest)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 11<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary (as amended):** H.R. 1989 would reauthorize appropriations for several fisheries Acts as follows:

### *Interjurisdictional Fisheries Act*

- General appropriations (last authorized at \$4.4 million)
  - FY2002: \$4.9 million
  - FY2003: \$5.4 million
  - FY2004: \$5.4 million
  - FY2005: \$5.9 million
  - FY2006: \$5.9 million
- Development of management plans (last authorized at \$750,000)
  - FY2002: \$800,000
  - FY2003: \$850,000
  - FY2004: \$850,000
  - FY2005: \$900,000
  - FY2006: \$900,000

### *Anadromous Fish Conservation Act*

- General appropriations (last authorized at \$4.25 million)
  - FY2002: \$4.5 million
  - FY2003: \$4.75 million
  - FY2004: \$4.75 million
  - FY2005: \$5.0 million
  - FY2006: \$5.0 million(No more than \$625,000 of such funds could be obligated in any one state.)

### *Atlantic Striped Bass Conservation Act*

- Secretary of Commerce (last authorized at \$1.0 million)
  - FY2003: \$1.0 million
  - FY2004: \$1.0 million
  - FY2005: \$1.0 million
  - FY2006: \$1.0 million
- Secretary of the Interior (last authorized at \$250,000)
  - FY2003: \$250,000
  - FY2004: \$250,000
  - FY2005: \$250,000
  - FY2006: \$250,000

### *Atlantic Coastal Fisheries Cooperative Management Act*

- General appropriations (last authorized at \$10 million per fiscal year through 2005)

--FY2006: \$10 million

H.R. 1989 would also amend the Atlantic Coastal Fisheries Cooperative Management Act to elaborate on the purpose of the Act. The new purpose would call for the conservation of Atlantic Coastal Fisheries through “the use of sound science and multispecies, adaptive, and ecosystem-based management measures.”

Atlantic Tunas Convention Act

- General appropriations (last authorized at \$5.465 million)
  - FY2002: \$5.48 million
  - FY2003: \$5.48 million
  - FY2004: \$5.48 million
  - FY2005: \$5.495 million
  - FY2006: \$5.495 million

Northwest Atlantic Fisheries Convention Act

- General appropriations (last authorized at \$500,000)
  - FY2002: \$500,000
  - FY2003: \$500,000
  - FY2004: \$500,000
  - FY2005: \$500,000
  - FY2006: \$500,000

Oceans Act

- General appropriations (authorized at an aggregate of \$6.0 million for FY2001-FY2003)
  - FY2001-FY2003 aggregate: \$8.5 million

H.R. 1989 would also extend the deadline for the submission of an ocean policy report under the Oceans Act.

**Additional Background:** Among other things, the Interjurisdictional Fisheries Act is designed to “promote and encourage research in preparation for the implementation of the use of ecosystems and interspecies approaches to the conservation and management of interjurisdictional fishery resources throughout their range.”

Among other things, the Anadromous Fish Conservation Act is designed to implement the use of “ecosystems and interspecies approaches to the conservation and management of anadromous and Great Lakes fishery resources.”

**Cost to Taxpayers:** Though no CBO cost estimate is available for the amended version of H.R. 1989 as it will come to the House floor, the language would explicitly authorize additional aggregate appropriations of about \$17.0 million in FY2002 and **\$103.2 million** over the FY2002-FY2006 period.

**Does the Bill Create New Federal Programs or Rules?:** The bill reauthorizes current fisheries law and in some cases extends and expands authorizations of appropriations.

**Constitutional Authority:** The Resources Committee (in House Report 107-227) cotes constitutional authority in Article I, Section 8, but fails to cite a specific clause.

**Staff Contact:** Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.R. 1576—James Peak Wilderness, Wilderness Study, and Protection Area Act (Mark Udall/McInnis)**

**Order of Business:** The bill is scheduled to be considered under suspension of the rules on Tuesday, December 11, 2001.

**Summary:** H.R. 1576 would reclassify about 33,195 acres of lands within the Arapaho and Roosevelt National Forests located in Colorado and administered by the Forest Service.

H.R. 1576 would designate as wilderness about 17,195 acres of federal lands within the Arapaho and Roosevelt National Forests in Colorado. The bill also would designate 16,000 acres of other lands within those forests as the James Peak Protection Area and **would authorize the Secretary of Agriculture to acquire nonfederal lands within that area**, with “consent of the owner.” **Subject to “valid existing rights,” the bill would withdraw federal lands within the proposed protection area from mining, mineral, and geothermal leasing and development, and would prohibit timber harvesting,** except for public safety reasons.

The bill would require the Secretary to complete a review within two years of all roads and trails in this Protection Area. The Secretary may close or remove roads and connect existing roads as long as there is no net gain in mileage, but she may not establish any new roads.

The bill would also direct the Forest Service to establish a new trailhead and related facilities near the Fall River basin in Colorado, study the feasibility of connecting two existing trails, and implement the results of that study.

**Administration Position:** Dennis Bschor, Director of Recreation, Heritage, and Wilderness Resources Forest Service at the USDA testified on July 26, 2001 regarding the bill as introduced, “We would like to work with the Chairman and Mr. Udall to determine whether legislation is necessary to achieve all of the objectives outlined in H.R. 1576. While wilderness designations require legislation, we believe the protections outlined in the LRMP are sufficient to protect the resource values in the proposed James Peak Protection Area and James Peak Wilderness Study Area. In addition, the LRMP provides direction under which concerns regarding travel management and dispersed recreation use can be addressed in the Rollins Pass, Rogers Pass, and Fall Creek basin areas.”

**Cost to Taxpayers:** CBO estimates that implementing H.R. 1576 would cost about \$600,000 over the next two years. CBO estimates that acquiring nonfederal lands within the proposed protection area would cost less than \$200,000 in 2002, that building the new trailhead and related facilities would cost \$300,000 over the next two years, and that completing the trails feasibility study and implementing its recommendations would cost about \$100,000 in 2002, subject to appropriations. CBO notes that withdrawing lands from mining, mineral, and geothermal leasing and development and prohibiting timber harvesting could reduce exceed federal receipts by not more than \$15,000.

**Constitutional Authority** The Resources Committee (In Report no. 107-316) finds authority under Article I, Section 8 of the Constitution (Powers of Congress), but fails to cite a specific clause.

**Does the Bill Create New Federal Programs or Rules:** YES, the bill authorizes the Interior Secretary to acquire more federal lands, creates a number of new studies and withdraws lands from mining and logging. Within 2 years, the Secretary must complete a review of all roads and trails in the Protection Area. The bill also requires a report to Congress on any agreement or the status of negotiations regarding the private or public lands the Secretary is authorized to acquire. Another report by the Forest Supervisor is required regarding what additional funds are needed to implement the Fall River provisions. After 3 years the Secretary also must complete a study on creating a loop trail to connect two trails.

**RSC Staff Contact:** Sheila Moloney x6-9719

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## **H.R. 2742—To authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma (Carson)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 11<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2742 would authorize the Secretary of the Interior to grant \$33 million (divided equally over the next four fiscal years) to the Native American Cultural and Educational Authority of Oklahoma (an agency of the State of Oklahoma) for the development and construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma. The federal share of the development and construction could not be more than 33%.

The bill would also state that Congress makes the following findings:

- “In order to promote better understanding between Indian and non-Indian citizens of the United States, and in light of the Federal Government's continuing trust responsibilities to Indian tribes, it is appropriate, desirable, and a proper function of the Federal Government to provide grants for the development of a museum designated to display the heritage and culture of Indian tribes.”

- “In recognition of the unique status and history of Indian tribes in the State of Oklahoma and the role of the Federal Government in such history, it is appropriate and proper for the museum referred to [above] to be located in the State of Oklahoma.”

**Cost to Taxpayers**: The bill would authorize appropriations of \$8.25 million for each of fiscal years 2003 through 2006 (for a total of **\$33.0 million**).

**Does the Bill Create New Federal Programs or Rules?**: The bill would help fund the creation of a new museum.

**Constitutional Authority**: The Resources Committee (in House Report 107-326) cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

**Staff Contact**: Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.R. 1169—To amend title 39, United States Code, with respect to “cooperative mailings.” (Burton)**

**Order of Business**: The bill was originally scheduled to be considered on Tuesday, December 4<sup>th</sup>, under a motion to suspend the rules and pass the bill, but is now scheduled to be considered under suspension of the rules on Tuesday, December 11<sup>th</sup>.

**Summary**: H.R. 1169 would clarify that groups authorized to send mail at non-profit postage rates could still get such rates when sending cooperative mailings in contract with groups **un**authorized to get such rates, as long as those rates would still apply in the case of identical mail matter sent by an authorized organization *without* a relationship with the unauthorized organization.

For example, many churches and other non-profit groups do not have the resources to do their own direct mailing, so they outsource it to for-profit direct-mail firms. But often the Postal Service has not allowed such non-profits to mail at the non-profit rate (since the mail technically originates from the for-profit direct-mail firm that is ineligible for non-profit postal rates). This bill would allow these non-profits to mail at non-profit rates even when the actual mailing is produced by a for-profit direct-mail firm.

The bill would also declare that an unauthorized organization (i.e. a for-profit direct-mail firm) would not be allowed to advertise, promote, offer, or, for a fee or consideration, recommend, describe, or announce the availability of any of its products or services at non-profit postage rates.

**Cost to Taxpayers**: The bill would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?**: H.R. 1169 would clarify current law (39 U.S.C. 3626(j)).

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

**Staff Contact:** Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.Con.Res. 282—Expressing the sense of Congress that the Social Security promise should be kept (Shaw)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, December 11<sup>th</sup>, under to a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 282 would resolve a sense of Congress that:

- the President's Commission to Strengthen Social Security should present in its recommendations creative ways to protect the commitment to beneficiaries without lowering benefits or increasing taxes; and
- the President and the Congress should join to develop legislation to strengthen Social Security as soon as possible, and such legislation should--
  - recognize the obstacles women face in securing financial stability at retirement or in cases of disability or death and the essential role that the Social Security program plays in providing income security for women;
  - recognize the “unique needs” of minorities and the “critical role” the Social Security program plays in preventing poverty and providing financial security for them and their families; and
  - guarantee current-law-promised benefits, including cost-of-living adjustments that fully index for inflation, for current and future retirees, without increasing taxes.

The resolution would also state the following findings:

- “Social Security provides essential income security through retirement, disability, and survivor benefits for over 45 million Americans of all ages, **without which nearly 50 percent of seniors would live in poverty;**”
- “Social Security is of particular importance for low earners, especially widows and women caring for children, **without which nearly 53 percent of elderly women would live in poverty;**”
- “Deferring action to save Social Security will result in loss of public confidence in the program, will increase the likelihood of spending cuts to other essential programs, and will expose beneficiaries, particularly those with low earnings, to poverty-threatening benefit cuts or reduce workers' take-home pay through burdensome payroll tax increases;”
- “Workers' ability to save and invest for their own retirement will continue to be particularly important, especially for younger workers, to enhance their own retirement security;”

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

**Staff Contact:** Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.R. 3030—Basic Pilot Extension Act of 2001 (*Latham*)**

**Order of Business:** The bill is scheduled to be considered under suspension of the rules on Tuesday, December 11, 2001.

**Summary:** The bill extends an immigration reform pilot program conducted by the Attorney General to confirm employment eligibility. The program originated in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 as a 4-year pilot program. H.R. 3030 extends the program to a 6-year program.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 directed the INS and the Social Security Administration (SSA) to establish three pilot programs, each lasting four years, to assist employers in confirming the eligibility of prospective employees to work in the United States. The programs provide employers with software, training, and access to INS and SSA databases to determine work eligibility. The major pilot program started in 1997 and will end in 2001, while the two other programs began in 1999 and will terminate in 2003. H.R. 3030 would extend the length of each program by two years.

**Cost to Taxpayers:** CBO estimates that implementing H.R. 3030 would cost about \$1 million in each of fiscal years 2002 and 2003 and less than \$500,000 annually over the 2004-2005 period, subject to appropriations. H.R. 3030 would impose a private-sector mandate by requiring certain employers to participate in the pilot programs. (Participation in the programs is voluntary except for employers who have been found to have violated certain immigration laws. According to the INS, one company in Texas is required to participate in the pilot programs.)

**Constitutional Authority** The Judiciary Committee (In Report no. 107-310) finds authority under Article I, Section 8, Clause 4 of the Constitution (uniform Rule of Naturalization).

**Does the Bill Create New Federal Programs or Rules:** No, the bill extends immigration pilot programs for an additional few years.

**RSC Staff Contact:** Sheila Moloney x6-9719

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## **H.R. 3209-Anti-Hoax Terrorism Act (Smith, Lamar)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 11<sup>th</sup>, under a motion to suspend the rules.

**Summary:** H.R. 3209 would create criminal and civil penalties for whoever engages in conduct to convey false or misleading information where such information may reasonably be believed and where such information concerns an activity that would constitute a violation of existing laws relating to: (1) biological weapons attacks, (2) chemical weapons attacks, (3) nuclear attacks, or (4) weapons of mass destruction. Criminal penalties include fine and /or imprisonment for up to 5 years and reimbursement for any party incurring expenses related to any emergency or investigative response to the conduct for those expenses. An individual is also civilly liable to any party incurring expenses related to any emergency or investigative response to the conduct for those expenses.

**Cost to Taxpayers:** CBO says that H.R. 3209 would have no significant costs.

**Does the Bill Create New Federal Programs or Rules?:** The bill establishes new criminal and civil penalties.

**Constitutional Authority:** The Judiciary Committee (in House Report 107-306) cites constitutional authority in Article I, Section 8, but fails to cite a specific clause.

**Staff Contact:** Neil Bradley x6-9717.

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## **H.R. 1022—Community Recognition Act (Doolittle)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, December 11<sup>th</sup>, under the corrections calendar. Like a motion to suspend the rules and pass the bills, two-thirds of those members present and voting are required to pass a bill from the corrections calendar.

**Summary:** H.R. 1022 would amend current law (Section 7(m) of Title 4 of the U.S. Code) to provide that in the event of the death of a present or former official of any city or other locality, the chief elected official of that locality could proclaim that the American flag be flown at half staff. Current law does not grant such authority upon the death of a local official.

**Cost to Taxpayers:** CBO says that H.R. 1022 would have no significant costs.

**Does the Bill Create New Federal Programs or Rules?:** The bill would amend current law to allow local officials to order the American flag flown at half staff upon the death of a local official.

**Constitutional Authority**: The Judiciary Committee (in House Report 107-305) cites constitutional authority in Article I, Section 8, Clause 18 (the power to make all laws “necessary and proper” to execute the powers otherwise allocated in the Constitution).

**Staff Contact**: Paul Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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